

Remarks

Claims 10-12, 14, and 15 are currently pending in this application, with claims 18 and 19 being canceled by this Amendment After Final.

The Office Action rejected claims 10-12 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Beaujean et al. (U.S. Patent No. 5,505,875); rejected claims 10-12, 14, and 15 under 35 U.S.C. § 103(a) as being unpatentable over Brichard (U.S. Patent No. 4,421,669); and rejected claims 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Koyakumaru et al. (U.S. Patent No. 5,489,399). Applicant respectfully traverses the Section 103(a) rejections for the following reasons.

Applicant has canceled claims 18 and 19. Therefore, the Section 103(a) rejection of these claims is moot and should be withdrawn. With regard to the Section 103(a) rejections of claims 10-12, 14, and 15, none of the prior art cited against these claims contemplates the subject matter of these claims. Specifically, claim 10, and claims 11, 12, 14, and 15 at least by virtue of dependence, recite a combination of elements, including an acidic component applied to a particle that is governed by the formula $m_c/(m_c + m_p) = c \cdot 1/r$, where m_c is the weight of the acidic component applied, m_p is the weight of the particle, r is the radius of the particle in μm , and c is a factor of 0.5 length units to 20 length units, wherein the particulate detergent or detergent premix component has a stepped pH profile when contacted with water.

As discussed in the previous response of August 26, 2004, the claimed formula ($m_c/(m_c + m_p) = c \cdot 1/r$) governing the amount of stearic acid applied to a percarbonate (or carbonate) particle provides unexpected results and is more than just "routine experimentation." This, unexpectedly, produces detergents having a stepped pH profile (as shown in Fig. 1), permitting production of

detergents where alkaline ingredients pass into the aqueous system at a later stage of the process and not at the beginning of the process (e.g., a wash cycle).

In contrast, the prior art relied upon in the Office Action (Beaujean et al. and Brichard) fail to contemplate the novel formula or the stepped pH profile of the present invention, because both Beaujean et al. (col. 2, lines 13-19) and Brichard (col. 2, lines 3-12) are concerned with providing storage-stable percarbonate (or carbonate) products, but are not concerned with providing a percarbonate (or carbonate) product with a stepped pH profile (which occurs with the claimed invention). In fact, neither reference even contemplates or mentions a pH profile.

An obviousness analysis requires that the prior art both suggest the claimed subject matter and reveal a reasonable expectation of success to one reasonably skilled in the art. *In re Vaeck*, 947 F.2d 488, 493 (Fed. Cir. 1991). Beaujean et al. and Brichard fail to suggest the novel formula or the stepped pH profile recited in claims 10-12, 14, and 15 as admitted by the Office Action. Likewise, Beaujean et al. and Brichard fail to reveal a reasonable expectation of success of providing a stepped pH profile because neither reference contemplates a pH profile. Thus, Beaujean et al. and Brichard, whether taken alone or in any reasonable combination, fail to show both obviousness criteria.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered, placing claims 10-12, 14, and 15 in condition for allowance. Applicant submits that the proposed amendments of claim 10 do not raise new issues or necessitate the undertaking of any additional search of the art, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action.

Furthermore, Applicant respectfully point out that the final action presented some new

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arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the patentability of the pending claims still be disputed.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 03-2775. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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